

Message Text

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ACTION EUR-12

INFO OCT-01 EA-06 IO-10 ISO-00 L-02 AID-05 CEA-01 CIAE-00

COME-00 EB-07 FRB-03 INR-07 NEA-09 NSAE-00 OPIC-03

SP-02 TRSE-00 CIEP-01 LAB-04 SIL-01 OMB-01 /075 W

----- 099291

R 111717Z APR 75

FM USMISSION OECD PARIS

TO SECSTATE WASH DC 6488

INFO AMEMBASSY BONN

AMEMBASSY CANBERRA

AMEMBASSY COPENHAGEN

AMEMBASSY THE HAGUE

AMEMBASSY LONDON

AMEMBASSY MADRID

AMEMBASSY OSLO

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY ROME

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E.O.11652: N/A

TAGS: ECON, OECD

SUBJECT: EXECUTIVE COMMITTEE DISCUSSION OF UN LINER CODE

REFS: (A) STATE 78471

(B) OECD DOCUMENT C(75)1

1. SUMMARY. EXECUTIVE COMMITTEE DISCUSSED UNITED
NATIONS CODE OF CONDUCT IN RELATION TO OECD INVISIBLES
CODE ON APRIL 10. BRITISH PROPOSED CREATION OF AD HOC
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GROUP OF LAWYERS WITHIN OECD TO SEEK LEGAL CLARIFICATION

OF UNRESOLVED ISSUES RAISED BY INVISIBLES COMMITTEE.
U.S. PROPOSED THAT ISSUES BE REFERRED TO UNITED NATIONS
FOR CLARIFICATION. EXCOM CHAIRMAN VALERY SUGGESTED THAT
SECRETARIAT PREPARE DRAFT MANDATE FOR POSSIBLE AD HOC
GROUP OF LAWYERS IN OECD AND EXAMINE POSSIBILITIES OF
REFERRAL TO UNITED NATIONS. EXCOM WILL MEET AGAIN TO
CONSIDER SECRETARIAT PROPOSALS. ACTION REQUESTED SEE
PARA 5. BELOW. END SUMMARY.

2. EXCOM MEETING ON UN LINER CODE WAS CONCERNED PRIMAR-
ILY WITH PRESENTATIONS OF FORMAL POSITIONS ON QUESTION
OF COMPATABILITY AND ON PROPOSED ALTERNATIVE DRAFT
ENTRIES FOR COUNCIL MINUTES. U.K. AMBASSADOR MADE MAJOR
INTERVENTION URGING CAUTION ON PART OF MEMBER STATES WHO
MIGHT BE CONSIDERING SIGNING UN CONVENTION, AND PROPOSED
CREATION OF AD HOC GROUP OF LAWYERS WITHIN OECD TO EXA-
MINE SOME OF UNRESOLVED ISSUES RAISED BY INVISIBLES
COMMITTEE REPORT TO COUNCIL. U.S. (AMBASSADOR TURNER)
GAVE STRONG SUPPORT TO U.K. VIEWS, BUT EXPRESSED PREFER-
ENCE FOR CLARIFICATION TO BE CARRIED OUT BY UNITED
NATIONS, SINCE CONVENTION WAS ORIGINALLY PREPARED UNDER
ITS AUSPICES. BOTH U.K. AND U.S. SUPPORTED ALTERNATIVE
I AND ALTERNATIVE A IN DRAFT ENTRY (REF B), AND WERE
JOINED BY DENMARK, FINLAND, GREECE, NETHERLANDS, NORWAY,
SWEDEN AND SWITZERLAND. ITALY SUPPORTED U.K. PROPOSAL
FOR CREATION OF AD HOC GROUP OF LEGAL EXPERTS, BUT WAS
UNABLE TO IDENTIFY WITH SUGGESTION IN ALTERNATIVE I THAT
COUNTRIES POSTPONE SIGNATURE OF UN CONVENTION.

3. MAIN OPPOSITION TO U.K.-U.S. INITIATIVE CAME FROM
JAPAN, WHICH TOOK POSITION THAT ULTIMATE RESPONSIBILITY
FOR INTERPRETING UN CONVENTION IN RELATION TO OECD
OBLIGATIONS MUST REST WITH INDIVIDUAL MEMBER STATES. IT
WAS NOT THEREFORE NECESSARY FOR OECD TO DEVELOP A COMMON
POSITION ON COMPATABILITY. JAPAN WAS SUPPORTED STRONGLY
ON THIS BY GERMANY. (WE UNDERSTAND FROM JUNIOR MEMBER
OF GERMAN DELEGATION THAT GERMAN REPRESENTATIVE WAS
SPEAKING ON OWN INITIATIVE WITHOUT INSTRUCTIONS FROM
BONN.) JAPAN, GERMANY AND SPAIN SUPPORTED ALTERNATIVE
II AND ALTERNATIVE B IN DRAFT ENTRY; CANADA SUPPORTED

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ALTERNATIVE II; AND PORTUGAL AND AUSTRALIA MADE CLEAR
THEIR SYMPATHY WITH THIS GROUP.

4. EXCOM CHAIRMAN VALERY NOTED THAT POSITIONS OF
COUNTRIES GENERALLY UNCHANGED FROM THOSE TAKEN IN PAY-
MENTS COMMITTEE, AND THAT THIS WAS TRUE OF FRANCE ALSO.
HE SUGGESTED THAT SECRETARIAT PREPARE SUITABLE DRAFT
MANDATE FOR AD HOC GROUP OF LAWYERS, TO BE DISCUSSED BY
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EXCOM AT APRIL 24 MEETING. HE PERSONALLY DOUBTED

THAT SUCH MANDATE WOULD BE ACCEPTABLE TO ALL MEMBERS OF EXCOM, AND NOTED THAT FRENCH DELEGATION WOULD PROBABLY HAVE RESERVATIONS. U.S. ASKED IF SECRETARIAT WOULD ALSO INVESTIGATE POSSIBILITIES OF REFERRING ISSUE TO UNITED NATIONS. GERMAN REP SPECIFICALLY OPPOSED CREATION OF GROUP WITHIN OECD AS NOT BEING USEFUL (ONCE AGAIN SPEAKING WITHOUT INSTRUCTIONS, WE UNDERSTAND).

5. MISSION WILL CONSULT WITH OECD LEGAL OFFICE REGARDING NATURE OF MANDATE ANTICIPATED FOR AD HOC GROUP, AND ON POSSIBILITIES FOR REFERENCE TO UN. WE WOULD APPRECIATE GUIDANCE FROM WASHINGTON ON PREFERRED METHOD OF REFERRAL TO UN, PARTICULARLY WITH REGARD TO MOST APPROPRIATE UN BODY TO CARRY OUT STUDY (UNCTAD, UN LEGAL OFFICE, UN SHIPPING COMMITTEE, ETC). IN LIKELY EVENT THAT OECD MEMBERS CANNOT AGREE ON COMMON OECD APPROACH, WE NEED TO KNOW IF IT IS PRACTICABLE FOR INDIVIDUAL COUNTRIES OR GROUP OF COUNTRIES TO INITIATE REQUEST FOR SUCH STUDY IN UN? IF MAJORITY OECD MEMBERS EXPRESS PREFERENCE FOR UK SPONSORED AD HOC GROUP OF LAWYERS, CAN U.S. IDENTIFY WITH THIS INITIATIVE?

TURNER

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